

REMARKS/ARGUMENTS

The amendments set out above and the following remarks are responsive to the points raised by the Office Action dated April 6, 2006. In view of the amendments set out above and the following remarks, reconsideration is respectfully requested.

Foreign Priority

As an initial point, the Applicant notes that the Office Action does not acknowledge the claim for foreign priority under 35 U.S.C. § 119 or receipt of the foreign priority papers, which were filed on March 15, 2004. Acknowledgement of the foreign priority claim and receipt of the foreign priority documents in the next Office Action is respectfully requested.

The Pending Claims

Claims 20 and 21 are added by this amendment, so that claims 1-21 are currently pending.

Claims 20-21 have been added to describe the invention more clearly. No new matter has been added, and the basis for the amended claim language may be found within the original specification, claims and drawings.

New claims 20-21 are supported at, for example, paragraphs [0049] and [0052] of the published specification, and by original claim 1 and Figures 3 and 4. Entry of the above is respectfully requested.

Allowable Subject Matter

The Applicant is pleased to note the Office Action indicates claims 5, 12, and 15 to be allowable if rewritten in independent form including the limitations of the respective base claims and any intervening claims.

Objections to the Drawings

The drawings were objected to under 37 CFR § 1.84(p)(5) on the grounds that the drawings do not include reference numbers 26 and 51 in the description.

Reference number 26 appears in Figures 2 and 3 (see lower right of both Figures). Reference number 51 appears in Figure 5 (see top, in between the two 561 reference numbers).

The drawings were also objected to under 37 CFR § 1.83(a) on the grounds that the standby and deployed positions are not shown.

The standby and deployed positions are shown in Figures 2 and 3, respectively, as well as Figure 11 (see paragraphs [0020], [0028] and [0076] of the published application).

It is respectfully submitted that with these remarks, the objections to the drawings have been obviated and should be withdrawn.

Objections to the Specification

The specification was objected to on the grounds of various informalities in the Abstract. The Abstract has been amended as set forth above to correct these informalities. It is respectfully submitted that with these remarks and amendments to the Abstract, the objections to the specification have been overcome and should be withdrawn.

Objection to the Claims

Claim 12 was objected to on the grounds of an informality. Claim 12 has been amended to correct the informality. It is respectfully submitted that with these amendments to claim 12, the objection to claim 12 has been overcome and should be withdrawn.

Rejections under 35 U.S.C. § 112

Claims 1-19 were rejected under 35 U.S.C. § 112, second paragraph as indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention on the grounds of lack of antecedent basis, lack of clarity, and various informalities.

The claims have been amended to improve the form of the claims and to more distinctly claim the subject matter which the Applicant regards as the invention. Thus, it is respectfully submitted that with these amendments to the claims, the rejections under § 112 have now been overcome and should be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1-4, 6-11, 13-14, and 16-19 were rejected under 35 U.S.C. § 103 as unpatentable over U.S. Patent No. 6,364,349 to Kutchey et al. (hereinafter, "Kutchey") in view of U.S. Patent 6,299,199 to Bowers et al. (hereinafter, "Bowers").

The rejection is respectfully traversed.

According to the Office Action, Kutchey discloses a motor vehicle including a body (16), interior trim panels (144, 150), and means of inflating the airbag (22). The Office Action correctly acknowledges that Kutchey fails to disclose guide straps extending from the body to the interior trim and connected to the airbag. The Office Action cites Bowers as disclosing a side curtain airbag (14) that has at least one guide strap (70, 72) attached to the interior trim and the other end attached to the airbag. According to the Office Action, it would have been obvious to one of ordinary skill in the art at the time of the invention to put straps on the airbag system of Kutchey in view of Bowers in order to provide better protection for the vehicle occupant during side collisions or rollover accidents.

A *prima facie* case of obviousness has three requirements. First, the cited combination of references must teach each and every element of the claims. Secondly, the modification must have a reasonable expectation of success. Thirdly, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings (MPEP § 2143). A *prima facie* case of obviousness has not been met here because the cited combination of references does not teach each and every element of the present claims, the proposed modification of the vehicle of Kutchey would not have a reasonable expectation of success, and one of ordinary skill in the art would not have been motivated to modify the vehicle of Kutchey to provide all of the claim limitations.

The cited combination of references does not teach all of the claim limitations. Independent claim 1 recites a motor vehicle including, *inter alia*, at least one guide strap extending from the body to the interior trim panels when the airbag is in standby. The Office Action correctly acknowledges that Kutchey fails to disclose guide straps extending from the body to the interior trim and connected to the airbag. Bowers does not disclose that its straps 70, 72 extend from the body to any interior trim panels, as claimed. Bowers therefore does not disclose the claimed placement of the strap when the airbag is in standby. Because the cited combination of Kutchey and Bowers does not disclose a guide strap extending from the body to any interior trim panels when the airbag is in standby, as claimed, the cited combination of references cannot render the present claims obvious.

Not only does the cited combination fail to disclose a guide strap in the claimed position, but Bowers also fails to disclose the problem solved by the present invention. As

explained in the specification, vehicles with airbags that deploy downward from the roof may include front and rear straps along with the airbag to restrain it once inflated. In the standby position, the straps may be coiled up in between the interior trim and the body of the vehicle. Upon inflation of the airbag, the straps undergo a twisting motion backwards. This twisting motion may be hindered by the lack of space between the interior trim and the body and by horizontal structural ribs in the interior trim that extend between the trim and the body, which slows down the movement of the strap. This is problematic because any hindrance of the movement of the airbag prevents the airbag from inflating rapidly following an impact, which is necessary to properly protect the occupants (published specification, pars. [0003]-[0005]).

Because Bowers fails to disclose guide straps extending from the body to the interior trim panels when the airbag is in standby, as claimed, Bowers fails to disclose the problem with respect to the space required by the unraveling of the straps. Since Bowers fails to describe the problem, Bowers also fails to teach a solution to the problem. The presently claimed vehicle, however, provides a solution by providing the claimed means for separating the interior panels from the body in order to facilitate deployment of the strap when the airbag is inflated (pub. specification, pars. [0006]-[0007]).

Because the cited combination of Kutchev and Bowers does not teach all of the limitations of independent claim 1, the present claims cannot be obvious over the cited references.

Secondly, the proposed modification of the vehicle of Kutchev would not have a reasonable expectation of success. Assuming, *arguendo*, that Bowers teaches the claimed placement of the strap, i.e., from the body to the interior trim panels when the airbag is in standby, such a placement of the strap in the vehicle of Kutchev would not function properly for at least three reasons.

Kutchev describes a security apparatus including an inflatable airbag 14 that is, before deployment, enclosed between a deployment flap 120 and a closure flap 100, overlying one another and located under a roof panel and along the roof of the vehicle. When the airbag 14 inflates, it pushes the two flaps away one from another to define an opening of passage. The closure flap 100 moves the headliner 140 away from the vehicle side structure 16. The inflation of the airbag 14 is guided by the deployment flap 120, which is adapted to move into a position overlying the end of the trim piece 150 when the airbag is deployed. In this position, the deployment flap 120 guides the airbag past the end of trim piece 150. Thus, as

the airbag 14 inflates, the deployment flap 120 helps prevent the airbag from getting caught on the trim piece 150 or inflating between the trim piece and the side structure 16.

As shown in Figure 3 of Kutchey, the trim piece 150, which extends along the body of the vehicle and physically separates the body from the interior compartment of the vehicle, would prevent the deployment of a strap connected to the body during the inflation of the airbag. Secondly, the deployment flap 120 of Kutchey, which closes the entry of the cavity formed between the body 16 and the trim piece 150 (see Figure 5), would prevent a strap from escaping from the cavity to guide the airbag upon inflation. Thirdly, the two flaps 100, 120 forming a housing surrounding the non inflated airbag would prevent any connection between the strap that is connected to the body on one end and the airbag, as claimed, and would also prevent the strap from guiding the airbag as it inflates.

Accordingly, modification of the vehicle of Kutchey to have the strap as taught in Bowers in the claimed position would not have a reasonable expectation of success. Because the proposed modification does not have a reasonable chance of success, the present claims cannot be obvious over the cited combination of references.

Additionally, one of ordinary skill in the art would not be motivated to modify the device of Kutchey to have at least one guide strap extending from the body to the interior trim panels when the airbag is in standby, where a first end of the strap is attached to the body and a second, opposite end of the strap is attached to the airbag, as claimed, for several reasons.

First, according to MPEP § 2143.01 (VI), the proposed modification cannot change the principle of operation of the device. Modifying the vehicle of Kutchey to have a strap as taught by Bowers would change the entire principle of operation of the vehicle of Kutchey. By providing a deployment flap 120 to guide the inflation of the airbag, Kutchey teaches a totally different solution to the problem of guiding the deployment of the airbag than that taught by Bowers. The deployment flap 120 has a structure that is so different from the straps 70, 72 of Bowers that one of ordinary skill in the art would not have been motivated to alter the device of Kutchey to provide straps as taught by Bowers. Even assuming, *arguendo*, that one of ordinary skill in the art would be motivated to alter the vehicle of Kutchey to provide the straps as taught by Bowers, the structure of the deployment flap 120 of Kutchey and the straps 70, 72 of Bowers are so different that to modify the vehicle of Kutchey to

provide the straps of Bowers would change the entire principle of operation of the vehicle of Kutchey, in contravention of MPEP § 2143.01 (VI).

Secondly, the vehicle of Kutchey already includes a mechanism for guiding the deployment of the airbag, i.e., deployment flap 120. The structure of the vehicle of Kutchey is therefore already adapted for providing a deployment flap to guide the airbag. One of ordinary skill in the art would not have been motivated to change the deployment flap 120 into the type of guide mechanism described in Bowers (straps 70, 72) because the entire structure of the vehicle of Kutchey is specifically designed to accommodate a guide mechanism in the form of a deployment flap. To change the deployment flap to a strap would require one of ordinary skill in the art to change the entire structure and principle of operation of the vehicle of Kutchey.

Thirdly, Kutchey does not disclose any drawbacks to providing a deployment flap to guide deployment of the airbag. Accordingly, the skilled person would not have been motivated to change the vehicle of Kutchey to provide straps.

Accordingly, there is no motivation or suggestion that would lead one of ordinary skill in the art to modify the device of Kutchey to provide the strap of Bowers in the claimed position. Therefore, the present claims cannot be obvious over the cited combination of references.

Thus, for the reasons set forth above, the cited combination of references does not teach all of the limitations of claim 1, the proposed modification does not have a reasonable chance of success, and there is no motivation or suggestion to modify the device of Kutchey as proposed in the Office Action. Therefore, independent claim 1 cannot be obvious over the cited combination of Kutchey and Bowers.

New claims 20 and 21 are also patentable over the cited references. New claim 20 recites that the body comprises a rear pillar panel and roof liner separating the body from the interior of the vehicle. Claim 20 also recites that the guide strap extends from the body to the rear pillar panel when the airbag is in standby and that the vehicle includes a means of separating the rear pillar panel from the body. In contrast, the trim piece 150 of Kutchey occupies the same position relative to the body 16 both before and after the airbag is deployed (Figs. 4 and 5). None of the cited references teach or suggest a guide strap that extends from the body to the rear pillar panel when the airbag is in standby and a means of separating the rear pillar panel from the body, as claimed in claim 20.

New claim 21 recites that the means for separating the rear pillar panel from the body include the roof liner which is movable by inflation of the airbag. Claim 21 also recites that the roof liner is adjoined to the rear pillar panel so that the roof liner pushes the rear pillar panel away from the body upon at least partial displacement during inflation of the airbag. None of the cited references teach or suggest a roof liner that is adjoined to the rear pillar panel so that the roof liner pushes the rear pillar panel away from the body upon at least partial displacement during inflation of the airbag, as claimed.

Since the independent claims are allowable for the reasons set forth above, the dependent claims are also allowable because they depend from allowable independent claims.

Conclusion

For the reasons set forth above, reconsideration of the rejections is respectfully requested.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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